IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 23676 of 1998

Between:

G.Suveer S/O Narender, E.307084,

Aged about 33 years , working as Conductor,
Kamareddy Depot, APSRTC, Nizamabad District.

..... PETITIONER

AND

1. The Executive Director, APSRTC., Karimnagar.

2. The Zonal Manager, APSRTC., Karimnagar Zone,

Karimnagar.

3. The Deputy Chief Personal Manager, APSRTC, Karimnagar Zone,
Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of writ of mandamus:

i) Declaring the action of the respondents in not appointing the petitioner herein as Junior Assistant in terms of notification No.P3/684(6)/97 – ED:KR, dated 07.07.1997 as illegal and arbitrary; and

ii) Directing the respondents to appoint the petitioner herein as Junior Assistant in pursuance of notification No.P3/684(6)/97-Ed:KR, dated 07.07.1997 with effect from 11.07.1997, duly granting all other consequential benefits.

Counsel for the Petitioner: MR.K.VASUDEVA REDDY

Counsel for the Respondents 1 to 3 : Mr. V.T.M.PRASAD, SC FOR APSRTC.

The Court made the following:

O R D E R:

This writ petition is filed seeking a madamus declaring the action of the respondents in not appointing the petitioner as Junior Assistant in terms of Notification No.P3/684(6)/97-ED:KR, dt.07-07-1997, as arbitrary and illegal and consequently to direct the respondents to appoint the petitioner as Junior Assistant w.e.f. 11-07-1997, the day on which the other persons were appointed.

Andhra Pradesh State Road Transport Corporation called for applications from the departmental candidates for direct recruitment to the post of Junior Assistant. The petitioner applied for the same and by proceedings dated 07-07-1997, he was also declared to have passed been the written test conducted on 06-07-1997 and he was figured at S.No.45 of the said list. However, when appointment orders were given, after verification of the original certificates viz., caste, educational qualifications, memorandum of marks of SSC, degree, typewriting, additional qualification, diploma in computers, post graduation, NCC, etc., the name of the petitioner did not find place. Only the names of 38 persons were found and they were all appointed as Junior Assistants.

The grievance of the petitioner is that though he was placed in the list at S.No.45 of the eligible candidates, after having passed the written test, the persons who were placed below him were appointed, whereas he was not given appointment order. Therefore, he filed this writ petition.

A detailed counter-affidavit has been filed denying the allegations made by the petitioner and stating that the declaration of passing the written examination was not the final selection. The selection to the post of Junior Assistant is based on the guidelines issued by the

head office through circular No. PD-37/97 dated
16-05-1997. The first criterion of the said circular reads as under:

(a) Marks obtained by candidate

In the prescribed basic

qualification weighted down to 50 (Marks made be apportioned to candidate on the basis of his/her performance in basic degree. The candidate who passed the examination in compartmental basis be given lowest preference after all the candidates who passed the examination on regular basis.)

As per the said circular, the candidates who passed the basic qualifying examination have been selected for the post of Junior Assistant, according to merit, following the rule of reservation etc. The petitioner, though qualified in the written test, could not find place in the final list of candidates, according to the order of merit, as per the above guidelines, and he has not come up to the mark of selection and hence not selected. The petitioner did not pass graduation in single attempt and hence, he was placed at Sl.No.19 in the list of remaining 23 candidates not selected to the said post according to communal roster. The selection, in respect of all the candidates who have been selected and appointed, was done on the basis of the guidelines issued through circular dated 16-05-1997.

Heard both sides.

The counsel for the petitioner submits that the purported circular dated 16-05-1997 was not notified at the time of notifying the posts and as such, the circular cannot be taken as a basis for the selection process.

It may be noted here that the petitioner has not questioned the said circular dated 16-05-1997, though the counter was filed long ago. The circular has adopted one of the fair methods of selecting and giving preference to the persons those who have passed the qualifying examination in one attempt than that of the persons who passed the qualifying examination compartmentally. Such a procedure adopted by the management can neither be said to be

contrary to the regulations nor the notification. On the other hand, it can be said that it is only a supportive and supplementary to the regulations of the Corporation. Admittedly, the petitioner passed the basic qualification compartmentally and, therefore, his case was not considered on par with the candidates who have passed the basic qualification in one attempt. Further, it is stated that the permission of the Vice-Chairman and Managing Director has been communicated to fill up 56 vacancies of Junior Assistants in Karimnagar Zone by conducting recruitment for the departmental candidates. According to the A.P.S.R.T.C Employees (Recruitment) Regulations, the post of Junior Assistant in a cycle of 30 points, 18 vacancies were meant for promotion from the ranks of Conductors – 6, Routine Clerks – 4 and Telephone Operators/Comptists – 2. As such, as per the administrative roster maintained at Executive Director's Office, Karimnagar, 38 vacancies were meant for direct recruitment. Mere declaration of passing the written examination was not a final selection. The selection process was strictly done in accordance with the guidelines issued by the head office through circular No.PD-37/97 dated 16-05-1997.

I see no reason to find fault with the order of the respondents in not selecting the petitioner to the post of Junior Assistant particularly in the absence of challenge to the circular dated 16-05-1997.

Accordingly, the writ petition is dismissed. No order as to costs.

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12-10-2004.

Lrkm.

To

1. The Executive Director, APSRTC., Karimnagar.

2. The Zonal Manager, APSRTC., Karimnagar.

3. The Deputy Chief Personal Manager, APSRTC., Karimnagar Zone, Karimnagar.

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